

1-1 By: Harris S.B. No. 1006
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 7, 2005, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 7, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the period of time during which a person may be
1-9 supervised in a pretrial intervention program and the fee that may
1-10 be charged for the program.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 76.011, Government Code,
1-13 is amended to read as follows:

1-14 (a) The department may operate programs for the supervision
1-15 and rehabilitation of persons in pretrial intervention programs.
1-16 Programs may include testing for controlled substances. A person
1-17 in a pretrial intervention program may be supervised for a period
1-18 not to exceed two years [~~one year~~].

1-19 SECTION 2. Article 102.012, Code of Criminal Procedure, is
1-20 amended to read as follows:

1-21 Art. 102.012. FEES FOR PRETRIAL INTERVENTION PROGRAMS.

1-22 (a) A court that authorizes a defendant to participate [~~person~~]
1-23 in a pretrial intervention program established under Section 76.011,
1-24 Government Code, may order the defendant to pay to the court [~~be~~
1-25 ~~assessed~~] a supervision fee in an amount not more than \$60 per month
1-26 as a condition of participating in the program.

1-27 (b) In addition to or in lieu of the supervision fee
1-28 authorized by Subsection (a), the court may order the defendant to
1-29 pay or reimburse [~~that equals the actual cost to~~] a community
1-30 supervision and corrections department for any other expense
1-31 incurred as a result of the defendant's participation in the
1-32 pretrial intervention program or that is necessary to the
1-33 defendant's successful completion of the program [~~, not to exceed~~
1-34 ~~\$500, for supervision of the defendant by the department or~~
1-35 ~~programs provided to the defendant by the department as part of the~~
1-36 ~~pretrial intervention program~~].

1-37 SECTION 3. Section 103.021, Government Code, is amended to
1-38 read as follows:

1-39 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
1-40 CIVIL CASES. An accused or defendant, or a party to a civil suit, as
1-41 applicable, shall pay the following fees and costs if ordered by the
1-42 court or otherwise required:

1-43 (1) a personal bond fee (Art. 17.42, Code of Criminal
1-44 Procedure) . . . the greater of \$20 or three percent of the amount
1-45 of the bail fixed for the accused;

1-46 (2) cost of electronic monitoring as a condition of
1-47 release on personal bond (Art. 17.43, Code of Criminal
1-48 Procedure) . . . actual cost;

1-49 (3) a fee for verification of and monitoring of motor
1-50 vehicle ignition interlock (Art. 17.441, Code of Criminal
1-51 Procedure) . . . not to exceed \$10;

1-52 (4) repayment of reward paid by a crime stoppers
1-53 organization on conviction of a felony (Art. 37.073, Code of
1-54 Criminal Procedure) . . . amount ordered;

1-55 (5) reimbursement to general revenue fund for payments
1-56 made to victim of an offense as condition of community supervision
1-57 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50
1-58 for a misdemeanor offense or \$100 for a felony offense;

1-59 (6) payment to a crime stoppers organization as
1-60 condition of community supervision (Art. 42.12, Code of Criminal
1-61 Procedure) . . . not to exceed \$50;

1-62 (7) children's advocacy center fee (Art. 42.12, Code
1-63 of Criminal Procedure) . . . not to exceed \$50;

1-64 (8) family violence shelter center fee (Art. 42.12,

2-1 Code of Criminal Procedure) . . . not to exceed \$100;
2-2 (9) community supervision fee (Art. 42.12, Code of
2-3 Criminal Procedure) . . . not less than \$25 or more than \$60 per
2-4 month;
2-5 (10) additional community supervision fee for certain
2-6 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
2-7 month;
2-8 (11) for certain financially able sex offenders as a
2-9 condition of community supervision, the costs of treatment,
2-10 specialized supervision, or rehabilitation (Art. 42.12, Code of
2-11 Criminal Procedure) . . . all or part of the reasonable and
2-12 necessary costs of the treatment, supervision, or rehabilitation as
2-13 determined by the judge;
2-14 (12) fee for failure to appear for trial in a justice
2-15 or municipal court if a jury trial is not waived (Art. 45.026, Code
2-16 of Criminal Procedure) . . . costs incurred for impaneling the
2-17 jury;
2-18 (13) costs of certain testing, assessments, or
2-19 programs during a deferral period (Art. 45.051, Code of Criminal
2-20 Procedure) . . . amount ordered;
2-21 (14) special expense on dismissal of certain
2-22 misdemeanor complaints (Art. 45.051, Code of Criminal
2-23 Procedure) . . . not to exceed amount of fine assessed;
2-24 (15) an additional fee:
2-25 (A) as an administrative fee for requesting a
2-26 driving safety course or a course under the motorcycle operator
2-27 training and safety program for certain traffic offenses to cover
2-28 the cost of administering the article (Art. 45.0511(f)(1), Code of
2-29 Criminal Procedure) . . . not to exceed \$10; or
2-30 (B) for requesting a driving safety course or a
2-31 course under the motorcycle operator training and safety program
2-32 before the final disposition of the case (Art. 45.0511(f)(2), Code
2-33 of Criminal Procedure) . . . not to exceed the maximum amount of
2-34 the fine for the offense committed by the defendant;
2-35 (16) a request fee for teen court program (Art.
2-36 45.052, Code of Criminal Procedure) . . . not to exceed \$10;
2-37 (17) a fee to cover costs of required duties of teen
2-38 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;
2-39 (18) a mileage fee for officer performing certain
2-40 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15
2-41 per mile;
2-42 (19) certified mailing of notice of hearing date (Art.
2-43 102.006, Code of Criminal Procedure) . . . \$1, plus postage;
2-44 (20) certified mailing of certified copies of an order
2-45 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
2-46 plus postage;
2-47 (21) sight orders:
2-48 (A) if the face amount of the check or sight order
2-49 does not exceed \$10 (Art. 102.007, Code of Criminal
2-50 Procedure) . . . not to exceed \$10;
2-51 (B) if the face amount of the check or sight order
2-52 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
2-53 Criminal Procedure) . . . not to exceed \$15;
2-54 (C) if the face amount of the check or sight order
2-55 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
2-56 Criminal Procedure) . . . not to exceed \$30;
2-57 (D) if the face amount of the check or sight order
2-58 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
2-59 Criminal Procedure) . . . not to exceed \$50; and
2-60 (E) if the face amount of the check or sight order
2-61 is greater than \$500 (Art. 102.007, Code of Criminal
2-62 Procedure) . . . not to exceed \$75;
2-63 (22) fees [~~a fee~~] for a pretrial intervention program
2-64 (Art. 102.012, Code of Criminal Procedure) . . . \$60 a month plus
2-65 expenses [~~not to exceed \$500~~];
2-66 (23) parking fee violations for child safety fund in
2-67 municipalities with populations:
2-68 (A) greater than 850,000 (Art. 102.014, Code of
2-69 Criminal Procedure) . . . not less than \$2 and not to exceed \$5;

3-1 and
3-2 (B) less than 850,000 (Art. 102.014, Code of
3-3 Criminal Procedure) . . . not to exceed \$5;
3-4 (24) an administrative fee for collection of fines,
3-5 fees, restitution, or other costs (Art. 102.072, Code of Criminal
3-6 Procedure) . . . not to exceed \$2 for each transaction;
3-7 (25) a court reporter fee when testimony is taken:
3-8 (A) in a criminal court in Dallas County (Sec.
3-9 25.0593, Government Code) . . . \$3;
3-10 (B) in a county criminal court of appeals in
3-11 Dallas County (Sec. 25.0594, Government Code) . . . \$3;
3-12 (C) in a county court at law in McLennan County
3-13 (Sec. 25.1572, Government Code) . . . \$3; and
3-14 (D) in a county criminal court in Tarrant County
3-15 (Sec. 25.2223, Government Code) . . . \$3;
3-16 (26) a speedy trial filing fee in El Paso County (Sec.
3-17 54.745, Government Code) . . . \$100;
3-18 (27) costs for use of magistrate in Brazos County
3-19 (Sec. 54.1116, Government Code) . . . not to exceed \$50;
3-20 (28) an administrative fee for participation in
3-21 certain community supervision programs (Sec. 76.015, Government
3-22 Code) . . . not less than \$25 and not more than \$40 per month;
3-23 (29) in family matters:
3-24 (A) issuing writ of withholding (Sec. 8.262,
3-25 Family Code) . . . \$15;
3-26 (B) filing copy of writ of withholding to
3-27 subsequent employer (Sec. 8.267, Family Code) . . . \$15;
3-28 (C) issuing and delivering modified writ of
3-29 withholding or notice of termination (Sec. 8.302, Family
3-30 Code) . . . \$15;
3-31 (D) issuing and delivering notice of termination
3-32 of withholding (Sec. 8.303, Family Code) . . . \$15;
3-33 (E) issuance of change of name certificate (Sec.
3-34 45.106, Family Code) . . . \$10;
3-35 (F) protective order fee (Sec. 81.003, Family
3-36 Code) . . . \$16;
3-37 (G) filing suit requesting adoption of child
3-38 (Sec. 108.006, Family Code) . . . \$15;
3-39 (H) filing fees for suits affecting parent-child
3-40 relationship (Sec. 110.002, Family Code):
3-41 (i) suit or motion for modification (Sec.
3-42 110.002, Family Code) . . . \$15;
3-43 (ii) motion for enforcement (Sec. 110.002,
3-44 Family Code) . . . \$15;
3-45 (iii) notice of application for judicial
3-46 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
3-47 (iv) motion to transfer (Sec. 110.002,
3-48 Family Code) . . . \$15;
3-49 (v) petition for license suspension (Sec.
3-50 110.002, Family Code) . . . \$15;
3-51 (vi) motion to revoke a stay of license
3-52 suspension (Sec. 110.002, Family Code) . . . \$15; and
3-53 (vii) motion for contempt (Sec. 110.002,
3-54 Family Code) . . . \$15;
3-55 (I) order or writ of income withholding to be
3-56 delivered to employer (Sec. 110.004, Family Code) . . . not to
3-57 exceed \$15;
3-58 (J) filing fee for transferred case (Sec.
3-59 110.005, Family Code) . . . \$45;
3-60 (K) filing a writ of withholding (Sec. 158.319,
3-61 Family Code) . . . \$15;
3-62 (L) filing a request for modified writ of
3-63 withholding or notice of termination (Sec. 158.403, Family
3-64 Code) . . . not to exceed \$15;
3-65 (M) filing an administrative writ to employer
3-66 (Sec. 158.503, Family Code) . . . not to exceed \$15; and
3-67 (N) genetic testing fees in relation to a child
3-68 born to a gestational mother (Sec. 160.762, Family Code) . . . as
3-69 assessed by the court;

4-1 (30) in juvenile court:
4-2 (A) fee schedule for deferred prosecution
4-3 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a
4-4 month;
4-5 (B) a teen court administration fee (Sec. 54.032,
4-6 Family Code) . . . not to exceed \$10;
4-7 (C) court costs for juvenile probation diversion
4-8 fund (Sec. 54.0411, Family Code) . . . \$20;
4-9 (D) a juvenile delinquency prevention fee (Sec.
4-10 54.0461, Family Code) . . . \$5; and
4-11 (E) a court fee for child's probationary period
4-12 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;
4-13 (31) a court reporter service fee if the courts have
4-14 official court reporters (Sec. 51.601, Government Code) . . . \$15;
4-15 (32) administrative fee on dismissal of charge of
4-16 driving with an expired motor vehicle registration (Sec. 502.407,
4-17 Transportation Code) . . . not to exceed \$10;
4-18 (33) administrative fee on dismissal of charge of
4-19 driving with an expired driver's license (Sec. 521.026,
4-20 Transportation Code) . . . not to exceed \$10;
4-21 (34) administrative fee on remediation of charge of
4-22 driving with an expired inspection certificate (Sec. 548.605,
4-23 Transportation Code) . . . not to exceed \$10;
4-24 (35) administrative fee for failure to appear for a
4-25 complaint or citation on certain offenses (Sec. 706.006,
4-26 Transportation Code) . . . \$30 for each violation;
4-27 (36) administrative fee for failure to pay or satisfy
4-28 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;
4-29 (37) fee paid on filing a petition for an order of
4-30 nondisclosure of criminal history record information in certain
4-31 cases (Sec. 411.081, Government Code) . . . \$28; and
4-32 (38) on a finding that an animal's owner has cruelly
4-33 treated the animal, court costs including:
4-34 (A) investigation (Sec. 821.023, Health and
4-35 Safety Code) . . . actual costs;
4-36 (B) expert witnesses (Sec. 821.023, Health and
4-37 Safety Code) . . . actual costs;
4-38 (C) housing and caring for the animal during its
4-39 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
4-40 costs;
4-41 (D) conducting any public sale ordered by the
4-42 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
4-43 and
4-44 (E) humanely destroying the animal if
4-45 destruction is ordered by the court (Sec. 821.023, Health and
4-46 Safety Code) . . . actual costs.

SECTION 4. This Act takes effect September 1, 2005.

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